United Nations S/2008/364

Security Council

Distr.: General
4 June 2008

Original: English

Letter dated 4 June 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to forward to you a concept paper for the Security Council debate on "women and peace and security: sexual violence in situations of armed conflict", to be held on 19 June 2008 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Zalmay **Khalilzad**

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Annex to the letter dated 4 June 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

Concept Paper

Security Council thematic debate
19 June 2008

Women and peace and security: sexual violence in situations of armed conflict

Since the adoption of Security Council resolution 1325 (2000) on women and peace and security, progress towards achieving its major goals has been slow and uneven. The participation of women at decision-making levels in conflict resolution and peace processes has not increased significantly, and the number of women military observers, civilian police, Envoys, and Special Representatives of the Secretary-General in peacekeeping missions is still disappointingly low.

One important aspect of resolution 1325 (2000) which demands urgent attention by the international community is the call for all parties to armed conflict to take special measures to protect women and girls from rape and other forms of sexual abuse, and its emphasis on the need to end impunity for war crimes, including those relating to sexual and other violence against women and girls.

Sexual violence in situations of armed conflict, in varying levels of intensity and severity, has occurred throughout history. Recent reporting indicates that brutal rapes are becoming increasingly commonplace in some conflict and post-conflict situations. Despite the Security Council's repeated condemnation and calls for the immediate cessation by all parties of acts of sexual violence in situations of armed conflict, indications exist that thousands of women and girls are gang-raped, mutilated, or abducted into sexual slavery. Such atrocities, which often persist even after the signing of peace agreements between parties to an armed conflict, not only are violations of the human rights of the victims, but also undermine confidence in a peace process and raise huge barriers to successfully rebuilding a ruptured society in an atmosphere of peace and reconciliation. Sexual assaults against women, often committed in front of their husbands and/or children, not only inflict severe injury, but also may spread HIV/AIDS and other diseases and lead to a breakdown of traditional families and social order, exacerbating the chaos brought on by the conflict.

Rape is clearly defined as a war crime in international humanitarian law. The statute of the International Tribunal for the former Yugoslavia, which the Security Council adopted by its resolution 827 (1993), gives the Tribunal the power to prosecute persons responsible for rape when committed in armed conflict, whether international or internal in character, and directed against any civilian population.

In the fifteen years since the establishment of the criminal tribunals for the former Yugoslavia and Rwanda, the problem of widespread, organized and systematic rape has continued and, if anything, has become more severe. In the eight years since the Council adopted resolution 1325 (2000) on women and peace and security, sexual violence as a weapon of war has been perpetrated with almost

universal impunity. Even though rape and sexual violence in situations of armed conflict are underreported by women victims, who often are ashamed to come forward and suffer public humiliation or rejection and may well doubt they will find adequate recourse to justice, United Nations sources on the ground have reported thousands of women who have sought medical help for the grievous wounds that have been inflicted upon them in the course of being raped by gangs of soldiers and other armed men. These injuries are so severe that in some cases victims are hospitalized for over a year. Thousands of women and girls, and their children, have been abandoned by their families and ostracized by their villages after surviving rape. For example, according to Under-Secretary-General for Humanitarian Affairs John Holmes, more than 32,000 cases of rape and other forms of sexual violence have been registered in the Democratic Republic of the Congo's province of South Kivu alone.

The recent reporting on women affected by sexual violence in situations of armed conflict reveals a grave situation that requires a practical response from the international community. During the United States Presidency of the Security Council, Secretary of State Condoleezza Rice will chair a thematic debate at the ministerial level for members of the Council on sexual violence in situations of armed conflict, as part of the Council's follow-up to resolution 1325 (2000). During the course of the debate, we suggest that participants may wish to focus on the following themes and questions:

Understanding the problem

- How to gather information from the field, including accounts of instances of sexual violence committed by the parties to armed conflict, information about the armed groups and armed forces responsible for such behaviour, and identification of specific patterns of violence perpetrated by each group.
- How to ensure more comprehensive reporting by the United Nations system on the scope and incidence of sexual violence in situations of armed conflict, including through the incorporation of information from United Nations funds and programmes and other members of the United Nations country teams.
- How to bring about a change in societal attitudes and norms so that the perpetrators of sexual violence in situations of armed conflict, rather than the survivors, are ostracized and viewed as having committed shameful acts.

Prevention and protection

- How Security Council mandates for peacekeeping operations might be strengthened to prevent sexual violence in situations of armed conflict and provide more protection for women and girls from widespread and systematic sexual attacks by parties to armed conflict.
- How the recruitment and deployment of more female peacekeepers and civilian police can be encouraged. For example, one possible model is the Indian all-women civilian police unit in Liberia.
- Whether the deployment of more women in the civilian components of peacekeeping missions could lead to better monitoring, reporting and response to incidents of sexual violence in situations of armed conflict.

- What other special measures could be proposed and taken to protect women and girls from sexual violence, particularly rape, in situations of armed conflict.

Consequences for accused perpetrators

- How amnesty provisions in peace accords can be fine-tuned to take into account the need to end impunity for sexual violence.
- How local commanders and those above them in the military chain of command of armed parties to conflict can be held accountable for failing to take the necessary and reasonable measures either to prevent sexual violence against civilians or to punish the perpetrators thereof.
- How security sector reform and capacity-building for police and the judicial sector can better incorporate best practices for the effective prevention and prosecution of sexual crimes committed in situations of armed conflict.
- Whether there are any best practices on engaging with parties to armed conflict with a view to curbing sexual violence and ending impunity, including through the participation of women in peace negotiations or the highlighting of this problem during attempts to build truth and reconciliation mechanisms or other local justice mechanisms.